

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Richmond Division

UNITED STATES OF AMERICA <i>ex rel.</i>)	
RICHARD V. MORROW,)	
and)	
COMMONWEALTH OF VIRGINIA <i>ex rel.</i>)	CASE NO. 3:19-cv-397
RICHARD V. MORROW,)	
)	
<i>Plaintiffs,</i>)	
)	<u>FILED UNDER SEAL PURSUANT</u>
v.)	<u>TO TITLE 31 U.S.C. 3729 et seq.</u>
)	
THE SHELTERING ARMS HOSPITAL, <i>et al.</i> ,)	<u>FILED EX PARTE</u>
)	
<i>Defendants.</i>)	
)	

UNITED STATES' (1) NOTICE OF CONSENT TO DISMISSAL WITHOUT
PREJUDICE AND (2) REQUEST FOR ORDER RE: PARTIAL UNSEALING

On November 23, 2020, the relator in this action filed a Notice of Voluntary Dismissal pursuant to Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure, requesting that the Court dismiss this matter without prejudice.

An action filed under the *qui tam* provisions of the False Claims Act, 31 U.S.C. §§ 3729-3733, “may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” 31 U.S.C. § 3730(b)(1). Similar terms apply to dismissal with respect to the Commonwealth of Virginia. *See* Virginia Fraud Against Taxpayers Act, VA. CODE § 8.01-216.5(A) (“The action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting”).

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(1), the United States of America (“United States”) notifies the Court that, in the interest of justice, it consents to the dismissal of

this action, provided that the dismissal is without prejudice as to the United States. The United States understands that the Commonwealth will be filing its own consent to dismissal separately.

The United States respectfully requests that, of the papers filed or lodged to date with the Court in this action, only the following documents should be unsealed:

- (1) The Complaint;
- (2) Relator's Notice of Voluntary Dismissal;
- (3) This Notice;
- (4) Any Order of dismissal issued by the Court;
- (5) Any Order partially unsealing the Court's file in this matter; and
- (6) All other contents of the Court's file in this matter filed or lodged to date should remain under seal and not be made public or served upon the Defendant or any other person.

A proposed order accompanies this Notice.

Respectfully submitted,

G. ZACHARY TERWILLIGER
UNITED STATES ATTORNEY

By:

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USB 81393

1/10/2021

CERTIFICATE OF SERVICE


I hereby certify that on this 29th day of November, 2020, I caused a copy of the UNITED STATES' (1) NOTICE OF CONSENT TO DISMISSAL WITHOUT PREJUDICE AND (2) REQUEST FOR ORDER RE: PARTIAL UNSEALING UNITED STATES' MOTION FOR AN EXTENSION OF TIME and proposed ORDER to be served by first-class mail, postage prepaid, upon:

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JB 8/30/20
4 p.m.